

REMARKS

This paper is submitted in reply to the Office Action dated April 13, 2004, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

The Office Action rejected claims 1-8, 12-21 and 25-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,987,621 to Duso et al. (Duso et al.). The Office Action also rejected dependent claims 9-11 and 22-24 under 35 U.S.C. § 103(a) as being unpatentable over Duso et al. in view of U.S. Patent No. 5,964,887 to Conseil (Conseil). Claim 29 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Office Action finally objected to minor informalities in the drawings.

Applicants respectfully traverse the rejections and objections, as the cited references do not disclose or suggest the invention as recited in any of claims 1-30. Applicants have nonetheless amended the specification, Fig. 3 and claim 29 in deference to the Examiner. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

The Examiner will note that Applicants have now amended Fig. 3 to overcome the Examiner's objections. The Examiner will further note that Applicants have amended the specification to include the reference 98 of Fig. 4. Withdrawal of the objections is therefore respectfully requested.

Now turning to the art-based rejections, and more specifically to the rejection of independent claim 1, this claim generally recites an apparatus that includes a plurality of access adapters, at least one shareable spare adapter and control circuitry. Each adapter and shareable adapter is configured to interface with an electronic resource, and the control circuitry is configured to initiate a substitution of the shareable spare adapter for any of the plurality of access adapters to supplant a substituted access adapter.

In rejecting claim 1, the Office Action relies on Duso et al. The Office Action asserts that Duso et al. includes a server computer that can be interpreted as an adapter. Applicants respectfully traverse this characterization. Duso et al. is directed to a failover mechanism that detects the failure of a server computer and causes another computer to take on the work of the failed computer (col.2, lines 40-45). The cited portions of Duso et al. merely teach a failover technique concerning a failed server computer, which is irrelevant to the shareable spare adapter of claim 1.

The failure of Duso et al. to teach or suggest the limitations of claim 1 speaks to the disparate purposes of the prior art reference when compared to that of the present invention. Namely, Duso et al. is directed to server computers, not adapters, as claimed by Applicants. Duso et al., itself presents this distinction in its own specification in a manner that is consistent with the definitions of adapters and servers as described in Applicants' specification. For example, Fig. 2 of Duso et al. shows adapters 50 that comprise physical connections linking server computers 21, 28 and 29 (column 8, lines 26-28). It is thus improper to "interpret" servers as being access adapters (column 7, lines 8-10). While features of Applicants' invention may complement and improve conventional computer systems like that disclosed in Duso et al., it cannot be properly said that the server computers of Duso et al. anticipate the shareable spare adapters as recited in claim 1.

Applicants respectfully and consequently submit that the prior art of record fails to disclose or suggest a shareable spare adapter. Reconsideration and allowance of claim 1, as well as of claims 2-14 which depend therefrom, are therefore respectfully requested.

Independent claim 15 generally recites a method of providing access to a computer resource that uses a shareable spare adapter. The shareable spare adapter is configured to supplant the interface of respective first and second access adapters. For reasons similar to those discussed above in connection with claim 1, claim 15 is not properly anticipated by Duso et al. That reference is concerned only with failed computer

servers and makes no allowance for and includes no discussion relating to failed adapters, let alone a shareable spare adapter. As a consequence, reconsideration and allowance of claim 15, as well as of claims 16-28 which depend therefrom, are therefore respectfully requested.

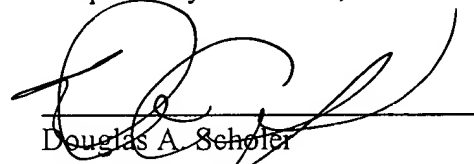
Claims 9-11 and 22-24 are allowable by virtue of their respective dependencies on claims 1 and 15, as discussed above. However, these claims include additional features that further distinguish them from the cited art. For instance, the Office Action admits that Duso et al. fails to teach the removal of a correlation token from an adapter, as recited in claims 9 and 22. In rejecting claims 9-11 and 22-24 under 35 U.S.C. § 103(a), the Office Action relies on Conseil to remedy this deficiency. Conseil is directed to a method for selecting a desired switching station during a telecommunications routing operation. Significantly, Conseil does not teach, suggest or even mention an adapter. Similar to the primary reference, Duso et al., Conseil is unconcerned with the operation of adapters. As a consequence, no combination of the prior art suggests or motivates a shareable spare adapter. Reconsideration and allowance of claims 9-11 and 22-24, are therefore respectfully requested.

Independent claim 29 includes a program product that uses a shareable spare adapter to supplant an interface provided by a first adapter. The shareable spare adapter is additionally configured to supplant a second interface of a second access adapter. Claim 29 has been amended to further include a computer-readable signal bearing media bearing the program. For reasons similar to those discussed above, no prior art reference teaches or suggests a shareable spare adapter as recited in claim 29. Moreover, Applicants submit that the computer-readable signal bearing media bearing the program as recited in amended claim 29 is directed to statutory subject matter, examples of which are listed in the specification, e.g., hard disk drives, CD-ROM's, DVD's, among others. Applicants respectfully and consequently request reconsideration and allowance of claim 29 and dependent claim 30.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

6/9/04
Date

Respectfully submitted,


Douglas A. Scholer
Reg. No. 52, 197
WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234

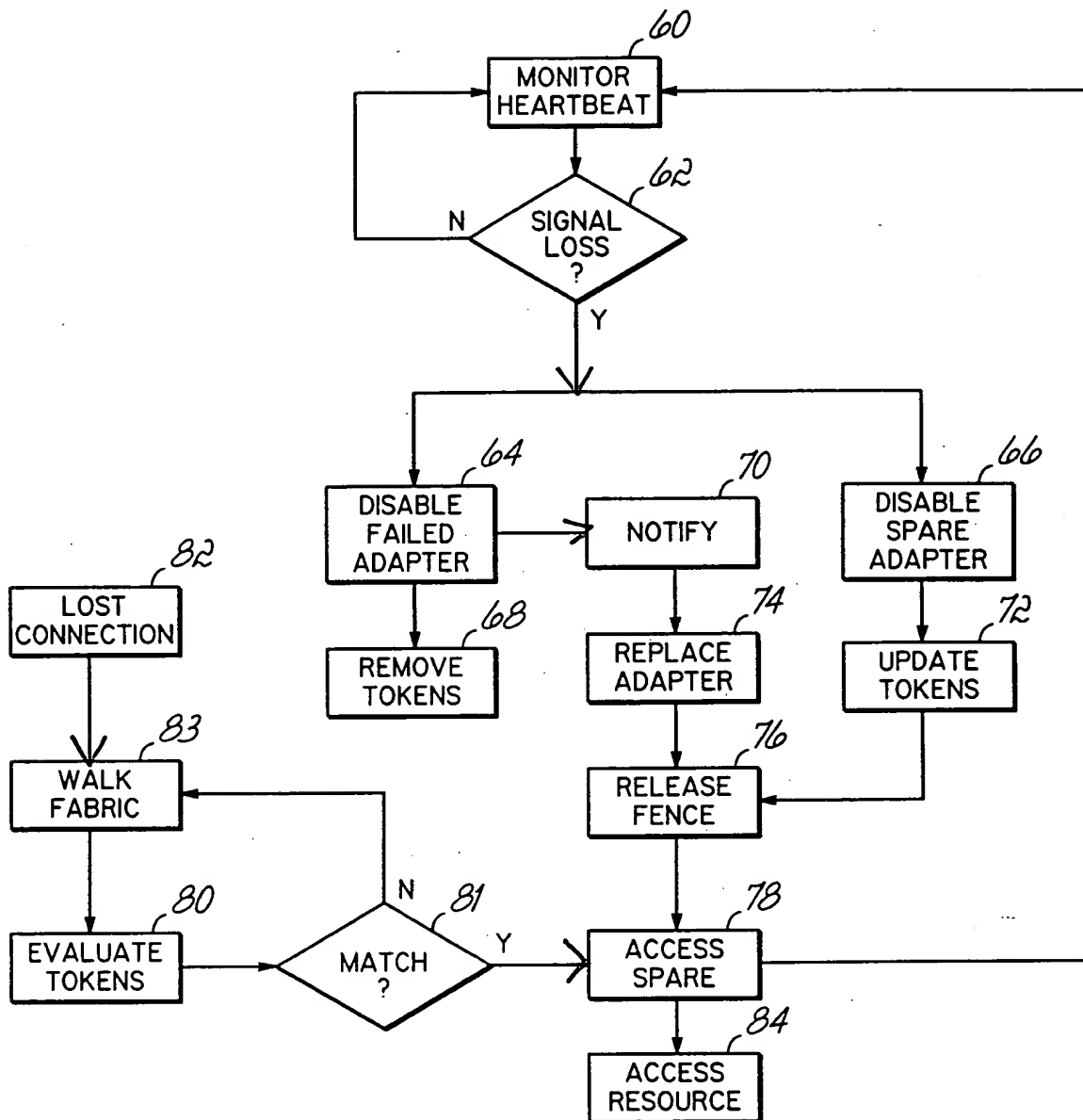


FIG. 3